

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

JEFF AUTRY, JANNA SUE TITLER, )  
ZACHARY DAVIS, ZANE TERRY, )  
and LARRY LEE BROWN, )

Plaintiffs, )

v. )

Case No. CIV-22-00054-JD

BOARD OF COUNTY )  
COMMISSIONERS OF GRADY )  
COUNTY a/k/a Grady County, )  
and MICHAEL ALAN WALKER, )  
individually, )

Defendants. )

**ORDER**

Before the Court is Plaintiffs’ Rule 12(c) Motion for Judgment on Walker’s Punitive Damage Defenses (“Motion”) [Doc. No. 52] directed at Defendant Michael Alan Walker’s Original Answer [Doc. No. 50]. Specifically, the Motion challenges Walker’s asserted defenses relating to Plaintiffs’ request for punitive damages.

Following the Motion, Walker amended his answer and eliminated all the challenged defenses on punitive damages. *Compare* Orig. Ans. [Doc. No. 50] ¶¶ 28–32, *with* Am. Ans. [Doc. No. 54] ¶ 28. The Amended Answer asserts one affirmative defense directed at punitive damages, but it is reworded from the defenses challenged in the Motion.

The Amended Answer supersedes the Original Answer and renders it of no legal effect. *Cf. Leveraged Innovations, Inc. v. BATS Exch., Inc.*, Case No. 14-2031-JTM, 2014

WL 11516547, at \*1 (D. Kan. May 29, 2014) (“[T]he defendants’ Amended Answer supersedes its original Answer. . . . [T]he fact of its filing renders the motion moot.”).

The Court does not discern a challenge in the Motion to the reworded defense regarding punitive damages in the Amended Answer. And nothing new has been filed by Plaintiffs to challenge the single defense asserted by Walker relating to punitive damages in the Amended Answer. Because the Amended Answer does not challenge the constitutionality of federal or state statutes, the notice provisions cited by Plaintiffs are not applicable.

Consequently, the Court DENIES the Motion as moot considering the Amended Answer. While the Court is not encouraging additional pretrial motion practice on these issues, this Order is without prejudice to Plaintiffs’ ability to challenge Walker’s defense on punitive damages asserted in the Amended Answer at the appropriate time.

IT IS SO ORDERED this 12th day of June 2023.

A handwritten signature in black ink, appearing to read "Jodi W. Dishman", is written over a horizontal line.

JODI W. DISHMAN  
UNITED STATES DISTRICT JUDGE